

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

DIANNA J. HARLOW,)
Plaintiff,)
v.) Case No. CIV-04-1769-L
JO ANNE B. BARNHART,)
Commissioner of Social Security)
Administration,)
Defendant.)

ORDER

On December 2, 2005, Magistrate Judge Gary M. Purcell entered his Report and Recommendation in this action brought by plaintiff for judicial review pursuant to 42 U.S.C. § 405(g) of the final, partially favorable decision of the defendant Commissioner with respect to her application for disability insurance benefits under Title II of the Social Security Act, 42 U.S.C. §§ 416(l), 423. The Magistrate Judge recommended that the Commissioner's Motion to Reverse and Remand [Doc. No. 18] be granted and that judgment should be entered reversing the decision of the Commissioner in part to the extent that the Commissioner determined that plaintiff is no longer entitled to disability benefits after September 18, 2003, due to her medical improvement and remanding the case to the Commissioner for further administrative proceedings with respect to the issues of

plaintiff's medical improvement and conflicts between vocational testimony and the DOT. The Magistrate Judge also determined that the plaintiff is entitled to continued benefits pending a final administrative decision to continue or terminate her disability benefits. Accordingly, the Magistrate Judge recommended that any order and judgment entered in this case remanding plaintiff's case for further administrative proceedings should include a directive to reverse and remand the matter to the Commissioner for reinstatement and payment of continuing benefits pending final administrative resolution of the issues.

The court file reflects that no party has filed a written objection to the Report and Recommendation within the time limit allowed. Upon *de novo* review, the court finds that the the Report and Recommendation should be and is hereby adopted in its entirety.

Accordingly, the Commissioner's Motion to Reverse and Remand **[Doc. No. 18]** is **GRANTED**. **The decision of the Commissioner is reversed to the extent that the Commissioner determined that plaintiff is no longer entitled to disability benefits after September 18, 2003, due to her medical improvement. The case is remanded to the Commissioner for further administrative proceedings with respect to the issues of plaintiff's medical improvement and conflicts between vocational testimony and the DOT.** **Plaintiff is entitled to continued benefits pending a final administrative decision to continue or terminate her disability benefits. The matter is**

reversed and remanded to the Commissioner for reinstatement and payment of continuing benefits pending final administrative resolution of the issues, all in accordance with the December 2, 2005 Report and Recommendation of the Magistrate Judge.

It is so ordered this _____ day of December, 2005.

Tim Leonard

TIM LEONARD
United States District Judge